UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,077	09/04/2003	David Johnston	P17742	8349

25694	7590	12/21/2005

INTEL CORPORATION
P.O. BOX 5326
SANTA CLARA, CA 95056-5326

EXAMINER
PHAN, HUY Q

ART UNIT	PAPER NUMBER
2687	

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 November 2005</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1, 2, 9-12, 17, 18, 21-23</u> is/are rejected.

7)☒ Claim(s) <u>3-8,13-16,19,20,24 and 25</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This Office Action is in response to Amendment filed on date: 11/29/2005.

Claims 1-25 are still pending.

Response to Arguments

2.   Applicant's arguments with respect to claims 1 –25 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply

with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one

skilled in the relevant art that the inventor(s), at the time the application was filed, had

possession of the claimed invention.

The limitations of "one or more dipole antenna(e); a transmitter, responsive to the

one or more dipole antenna(e), to selectively communicate with a remote device" in the

claim 21 are not support by the specification.

For examining purposes, the cited limitations above will not be considered.

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Claim 10 recites the limitation "a remote device" in line 2 and line 4; the limitation

"a local device" in line 3 and line 6; and the limitation "an authentication policy" in line 4

and line 6. It is unclear whether these limitations are referring to the same feature or

different features; therefor, making the claim indefinite.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 9-12, 17, 18, 21-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kimura (US-2001/0048744) in view of Mihm, Jr. (US-5,249,230;

herein after Mihm).

Regarding claim 1, Kimura discloses a method comprising: receiving

authentication information associated with an authentication policy from a remote device

[0049]; comparing the received authentication information against authentication

information associated with an authentication policy in a local device [0050]. But,

Kimura does not particularly show determining an authentication priority between the

local device and the remote device based, at least in part, on the comparison of the

authentication information. However in analogous art, Mihm teaches determining an

authentication priority between the local device and the remote device based, at least in

part, on the comparison of the authentication information (col. 9, lines 50-54). Since,

Kimura and Mihm are related to the method of authentication in the communication

system; therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify the method of Kimura as taught by Mihm

because "The priority level reflects the amount of communication traffic being handled

through the authentication node. When this traffic is approaching its maximum limits,

the priority level may be adjusted upward so that low priority level users will be denied

access or discontinued in favor of higher priority level users" (see Mihm's specification

col. 9, lines 54-60).

Regarding claim 2, Kimura and Mihm disclose the method according to claim 1.

Mihm further discloses wherein the authentication information includes an indication of

priority level associated with the device (col. 9, lines 50-60).

Regarding claim 9, Kimura and Mihm disclose the method according to claim 1.

Mihm further disclose a storage medium (fig. 2, 36) comprising content which, when

accessed by an electronic appliance, causes the electronic appliance to perform the

method according to claim 1 (see figs. 7-8 and descriptions).

Regarding claim 10, Kimura and discloses an apparatus comprising: a

transmitter (fig. 1, 19), to selectively communicate with a remote device (AP2; see

[0031]); and a security agent (fig. 1, 13), associated with a local device (mobile station

MT1; see [0032]) and coupled with the transmitter (fig. 1 and its description), to receive

authentication information associated with an authentication policy from a remote device

[0049], and to compare the received authentication information against authentication

information associated with an authentication policy in a local device [0050]. But,

Kimura does not particularly show to identify a relative authentication priority between

the local device and the remote device based, at least in part, on the comparison of the

authentication information. However, Mihm teaches identifying a relative authentication

priority between the local device and the remote device based, at least in part, on the

comparison of the authentication information (col. 9, lines 50-54); therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made

to modify the method of Kimura as taught by Mihm because "The priority level reflects

the amount of communication traffic being handled through the authentication node.

When this traffic is approaching its maximum limits, the priority level may be adjusted

upward so that low priority level users will be denied access or discontinued in favor of

higher priority level users" (see Mihm's specification col. 9, lines 54-60).

Regarding claim 11, Kimura and Mihm disclose the apparatus according to claim

10. Mihm further discloses the apparatus further comprising: memory (fig. 2, 36),

responsive to the security agent (see fig. 1 and description), to receive and maintain an

authentication policy associated with a device (see figs. 7-8 and descriptions).

Regarding claim 12, Kimura and Mihm disclose the apparatus according to claim

11. Mihm further discloses the authentication policy comprising authorization

information including an indication of authentication priority level associated with the

device (col. 9, lines 50-60).

Regarding claim 17, Kimura and Mihm disclose the apparatus according to claim

10. Kimura further discloses wherein the transceiver selectively establishes a

communication channel (fig. 5 and description; also see [0018]-[0019]) with the remote

device through which the transceiver receives at least a subset of the authentication

policy associated with the remote device (fig. 5 and description; also see [0018]-[0019]).

Regarding claim 18, Kimura and Mihm disclose the apparatus according to claim

17. Kimura further discloses wherein the transceiver is a wireless transceiver (fig. 1, 19),

and wherein the communication channel is a wireless communication channel in

accordance with a wireless metropolitan area network (WMAN) communication

standard (fig. 5 and description; also see [0018]-[0019]).

Regarding claim 21, Kimura discloses a system (fig. 1 and its description)

comprising: a security agent (fig. 1, 13), associated with a local device (mobile station

MT1; see [0032]) and coupled with the transmitter (fig. 1, 19), to receive authentication

information associated with an authentication policy [0049] from a remote device (fig. 5;

AP2), and to compare the received authentication information against authentication

information associated with an authentication policy in a local device [0050]. But,

Kimura does not particularly show to identify a relative authentication priority between

the local device and the remote device based, at least in part, on the comparison of the

authentication information. However, Mihm teaches identifying a relative authentication

priority between the local device and the remote device based, at least in part, on the

comparison of the authentication information (col. 9, lines 50-54); therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made

to modify the method of Kimura as taught by Mihm because "The priority level reflects

the amount of communication traffic being handled through the authentication node.

When this traffic is approaching its maximum limits, the priority level may be adjusted

upward so that low priority level users will be denied access or discontinued in favor of

higher priority level users" (see Mihm's specification col. 9, lines 54-60).

Regarding claim 22, Kimura and Mihm disclose the system according to claim

21. Mihm further discloses a memory (fig. 2, 36), responsive to the security agent (see

fig. 1 and description), to receive and maintain an authentication policy associated with

a device (see figs. 7-8 and descriptions).

Regarding claim 23, Kimura and Mihm disclose the system according to claim

22. Mihm further discloses the authentication policy comprising authorization

information including an indication of authentication priority level associated with the

device (col. 9, lines 50-60).

Allowable Subject Matter

Claims 3-8, 13-16, 19, 20, 24 and 25 are objected to as being dependent upon a

rejected base claim, but would be allowable if rewritten in independent form including all

of the limitations of the base claim and any intervening claims.

The following is a statement of reason for the indication of allowance:

Regarding claims 3, 13 and 24, the prior art made of record and considered

pertinent to the applicant's disclosure does not disclose nor fairly suggest the method

according to claims 2, 12 and 23, wherein authentication policy exhibiting a higher

priority level will control which device initiates authentication between the local device
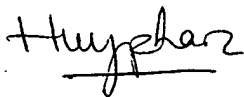
and the remote device.

Regarding claims 7 and 19, the prior art made of record and considered pertinent

to the applicant's disclosure does not disclose nor fairly suggest the method according

to claims 1 and 10, selecting one of the remote device or the local device to initiate

authentication based, at least in part, on the determined authentication priority.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G Lester can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SONNY TRINH
PRIMARY EXAMINER

Examiner: Phan, Huy Q.   AU: 2687   Date: 12/15/2005